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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/897,221

07/02/2001

Fumiyuki Shiratani

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9041

1933

7590

07/23/2004

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EXAMINER

BAYAT, ALI

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/897,221

Applicant(s)

SHIRATANI, FUMIYUKI

Examiner

Ali Bayat

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____.  |

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiya et al. (U.S. 5,754,676) in view of Suzuki et al. (5,144,683).

In regard to claim 1, Komiya provides for a learning type image classification apparatus, which is capable of classifying a plurality of images on a predetermined reference (Fig.5 element 61, col. 12 lines 5-32), comprising: region clipping execution section for clipping regions from the images in a mode selected by region clipping mode selection section (Fig.5 element 4, note feature extraction section, col.12 lines 29-32. Komiya does not disclose expressly for region clipping mode selection section, which is capable of selecting a mode of clipping from the image regions out of a plurality of candidates. Suzuki provides for region clipping mode selection section, which is capable of selecting a mode of clipping from the image regions out of a plurality of candidates (col.12 lines 9-15, also col.12 lines 51-52, also col.13 lines 22-25). The prior art of Komiya and Suzuki are combinable because they are from the same field of endeavor (image classification). At time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Suzuki (mode selection) to modify the invention of Komiya, because the processing program of operation mode of

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recognition among manual recognition, semi-automatic recognition and automatic recognition for the flow for the product number is common col.12 lines 9-15 of Suzuki.

With regard to claim 2 see claim 1 above. It recites similar limitations as claim 1. Hence it is similarly analyzed and rejected.

As to claim 7. See claim 1 above. It recites similar limitations as claim 1. Except for the operator can make a selection as to whether the result of the region clipped is to be adopted (col13 lines 22-30). Hence it is similarly analyzed and rejected.

With regard to claim 8 see claim 1 above. It recites similar limitations as claim 1. Hence it is similarly analyzed and rejected.

As to claim 17 see claim 1 above. It recites similar limitations as claim 1. Hence it is similarly analyzed and rejected.

#### Objected claims

2. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Allowable Subject Matter*

3. Claims 9-16 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of Komiya et al. (U.S. 5,754,676) provides for the arrangement for determination learning (learning mode) performed by the image classification apparatus in Fig.4, further prior art of Suzuki et al. (U.S. 5,144,683). Provides for the processing program of operation mode of recognition among manual recognition, semi-automatic recognition and

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automatic recognition for the flow for the product number is common col.12 lines 9-15.

**However the prior art of Komiya and Suzuki failed to teach or suggest for a first program providing a computer with a mode of clipping a region from the image selected from a plurality of candidates; and a second program allowing the computer to clip a region from the image in the clipping mode, wherein the first program and the second program constitute a learning type image classification program (as cited in claim 9), further a region clipping mode selection section provided with a plurality of region clipping modes, the section being capable of selecting several modes out of the plurality of the modes ( as cited in claim 10).**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Other Cited References

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent 6,208,758 to Ono et al. is cited for method for learning by neural network including extracting a target object image for which learning operations are to be carried out.

US patent 5,832,183 to Shinohara et al. is cited for information recognition system and control system using same.

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US patent to Lipson et al. is cited for method and apparatus for classifying and identifying images.

US patent to Lim is cited for method and apparatus for indexing and retrieving images using visual keywords.

#### Contact Information


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915.

The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ali Bayat   
Patent examiner  
Group Art Unit 2625  
7/19/04

**BHAVESH M. MEHTA**  
**SUPERVISORY PATENT EXAMINER**  
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